

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CLAUDIA FUNEZ,

Civil Action File No.  
1:12-cv-00259-WSD

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

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**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant Wal-Mart Stores East, LP, Defendant in the above-styled case, and moves this Court to enter a summary judgment in its favor, and in support thereof, shows the Court the following:

1.

Defendant shows that there is no genuine issue as to any material fact, and that Defendant is entitled to judgment in their favor as a matter of law.

2.

In support of its Motion for Summary Judgment, Defendant relies upon the following:

- a. Plaintiff’s Complaint and Defendant’s Answer;
- b. Defendant’s Statement of Material Facts and Brief in Support of its

Motion for Summary Judgment;

- c. Deposition of Claudia Funez taken on June 8, 2012, and all accompanying exhibits thereto;
- d. Deposition of Marcos A. Chipagua, taken on July 5, 2012, and all accompanying exhibits thereto;
- e. Affidavit of Jeffrey Murray, attached hereto as Exhibit "A";
- f. All other competent and admissible evidence timely made a part of the record.

WHEREFORE, Defendant respectfully requests that the Court inquire into and grant its Motion for Summary Judgment.

This 25th day of July, 2012.

McLAIN & MERRITT, P.C.

/s/ Albert J. DeCusati

Albert J. DeCusati

Georgia Bar No. 215610

Attorney for Defendant

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I certify that the above and foregoing motion has been prepared with Times New Roman 14 point font, which is approved by the court, and the document does not contain more than 10 characters per inch of type.

**CERTIFICATE OF SERVICE**

This is to certify that on July 25, 2012, I electronically filed **DEFENDANT'S**  
**MOTION FOR SUMMARY JUDGMENT, STATEMENT OF UNDISPUTED**  
**FACTS, BRIEF, AND AFFIDAVIT** with the Clerk of Court using the CM/ECF  
system which will automatically send email notification of such filing to attorneys of  
record.

This the 25th day of July, 2012.

McLAIN & MERRITT, P.C.

/s/ Albert J. DeCusati  
Albert J. DeCusati  
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